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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/651,993	09/02/2003	William E. Vergin	10268.201	1426

41434 7590 03/22/2005

PATTON BOGGS LLP
2550 M STREET NW
WASHINGTON, DC 20037-1350

EXAMINER

NGUYEN, THU V

ART UNIT	PAPER NUMBER
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3661

DATE MAILED: 03/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/651,993

Applicant(s)

VERGIN, WILLIAM E.

Examiner

Thu Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 December 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 February 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

The amendment filed on December 23, 2004 has been entered. By this amendment, claims 10-16 have been added and claims 1-16 are now pending in the application.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 3-8, 10-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sampedro et al (US 2004/0034467) in view of Ito et al (US 6,427,117).

As per claim 1, 10, Sampedro teaches a navigation method comprising: providing a motor vehicle with a location receiver and a location processor for generating location data (para 0026; 0030); providing a map database (para 0032); providing a call receiving center NMC 20 (fig.1); providing a network including a wireless link 40 (fig.1) to the motor vehicle; receiving the location signals at the location signal receiver 60, 62 (fig.2), and generating location data based on the received location signals (para 0030); communicating a route request signal to the call receiving center 20 (fig.1) (para 0040-0041); retrieving at the call receiving center road data and generating a route data and transmitting the route data to the motor vehicle through the wireless link (para 0040-0041; 0032); Sampedro does not explicitly disclose that the location

processor generates a location data, and that the wireless link is a wide area network, and the route instruction information is presented in response to receiving less than a complete set of the route data. However, Sampetro teaches that the transceiver 60 (fig.2) communicates data to the processor 50 (fig.2), further, using a processor for converting the position to coordinate location data would have been well known. Further, since the network 40 (fig.1) provides communication to several roving devices and vehicles 32-38 (fig.1) Sampetro obviously teaches the well known wide area network. Moreover, Ito suggests presenting data even when the complete set of data has not completely received (col.14, lines 6-19, lines 60-67; col.15, lines 10-45; col.19, lines 14-25). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to process location signal in the processor 50 (fig.1), and to present route instruction to the user of the system of Sampetro in order to balance work load between devices 50, 60 (fig.2) and to provide the user navigation instruction before the complete data is received in order to reduce waiting time and to ensure the received data is obtained from the most updated source.

As per claim 3-4, Sampetro teaches receiving an externally generated traffic condition data and generating the route data based on the received traffic condition data, and presenting route traffic condition information (para 0038, 0041).

As per claim 5-6, requesting an alternate route search and presenting the alternate route search result to a mobile vehicle, and presenting distance from the current location to a destination would have been well known. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to include providing well known alternate

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route search and distance to the destination information to the user of the system of Sampedro in order to allow the user to select a prefer optimal criteria in searching optimal route and to inform the user the distance at his current location to the destination.

As per claim 7-8, Sampedro teaches generating updated location data and automatically sending the route verification signal from the vehicle to the call center (para 0043), further, verifying update location data and presenting route deviation alert to the user; transmitting the route data together with presenting route instruction to a mobile terminal would have been well known.

As per claim 11, presenting route information continuously while data is being received so that the user is continuously provided with navigation instruction would have been well known.

As per claim 12, Ito teaches providing audio information to the user (col.12, lines 60-67).

As per claim 13-16, refer to claims 1, 10-12 above.

3. Claims 2, 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sampedro et al (US 2004/0034467) in view of Ito et al (US 6,427,117) and further in view of Park et al (US 2003/0088359).

As per claim 2, 9, Sampedro teaches transmitting an initial request from the user to the call center including the location data (para 0040). Moreover, Park teaches transmitting a destination inquiry from the call center to the user (para 0028); transmitting a reply request from the user to the call center including the destination identifier (para 0029); determining if the destination data is valid (para 0029). Further communicating a result of a test would have been well known. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to include the steps of querying destination data from the call center, and informing the user of the valid status of the input destination to the system of Sampedro in order to encourage the user to input necessary information for the route search and to inform the user if the input has been valid.

Response to Arguments

4. Applicant's arguments have been considered but are moot in view of the new grounds of rejection.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period

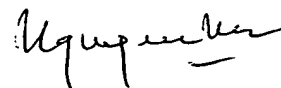
will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thu Nguyen whose telephone number is (703) 306-9130. The examiner can normally be reached on T-F (7:30-6:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black can be reached on (703) 305-8233. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

March 10, 2005



THU V. NGUYEN
PRIMARY EXAMINER